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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/643,912 | 08/20/2003 | Jong Han Park | P24066 | 4761 |
| 7055 | 7590 | 10/18/2004 | | |
| GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191 | | | EXAMINER | |
| | | | JIANG, CHEN WEN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3744 | |

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/643,912 | PARK ET AL. |
| | Examiner | Art Unit |
| | Chen-Wen Jiang | 3744 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6, 7 and 20 is/are rejected.
- 7) Claim(s) 5 and 8-19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040213.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: PTO/SB/25.

DETAILED ACTION

Terminal Disclaimer

The application/patent being disclaimed has been improperly identified since the filing date of the 10/643,911 is missing in the Terminal Disclaimer. PTO/SB/25 is enclosed for applicant's reference about the identification of the filing date for above application. Any inquiry concerning Terminal Disclaimer should be directed to Jan Hurley whose telephone number is (703) 305-3480.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1,2,3,4 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11,12,13,14,23-28, and 30 of copending Application No. 10/643,911. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the co-pending application comprises an outdoor unit installed at an outdoor location, and having therein a compressor, a refrigerant flow control part connected to a discharge outlet of the compressor, for guiding refrigerant according to an operation condition, an outdoor heat exchanger connected with the refrigerant pipe part connecting the elements; flow-control part, and a indoor units installed at respective indoor rooms and provided therein with an indoor heat exchanger of which one end

connected with a distributor, and an electronic expansion valve of which one end is connected to the indoor heat exchanger and the other end is connected with the distributor; and a plurality the distributor being provided between the outdoor unit and the indoor units, for introduced from the outdoor according to the operation refrigerant passing through selectively guiding the refrigerant unit to the plurality of indoor units condition and inversely guiding the indoor units, to the outdoor unit, the pipe part having a first connection pipe (third connection pipe in the claim) of which one end is connected to the refrigerant flow-control part, the other end is connected to the distributor and an outdoor heat exchanger connected between the one end and the other end, a second connection pipe (second connection pipe in the claim) of which one end is connected with the refrigerant flow-control part, for guiding the compressed refrigerant to the distributor, and a third connection pipe (first connection pipe in the claim) connecting an suction inlet of the compressor with the distributor and having a mid portion connected to the refrigerant flow control part, for guiding a low pressure/vapor-phase refrigerant to the compressor; a check valve installed on the first connection pipe (third connection pipe in the claim) adjacent to the distributor, for passing the refrigerant toward only during the first or second mode operation; and a parallel expansion valve installed in parallel with the check valve, for guiding the refrigerant introduced from the distributor to the outdoor heat exchanger only during the third or fourth mode operation, and including an element for expanding the refrigerant; wherein the expansion element on the parallel expansion pipe comprises a heating electronic expansion valve, introduced into the outdoor heat The multi-air conditioner claim for expanding the refrigerant exchanger during the third or fourth mode operation.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 6 and 7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11,12,13,14,23-28, and 30 of copending Application No. 10/643,911 in view of Michihashi et al (JP 11083223). 10/643,911 discloses the invention substantially as claimed. However, 10/643,911 does not disclose plurality of compressors and accumulator. Michihashi et al discloses plurality of compressors (1) and accumulator (25) in the same field of endeavor for the purpose of increase capacity and performance. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of 10/643,911 with plurality of compressors and accumulator in view of Michihashi et al so as to improve efficiency and capacity.

This is a provisional obviousness-type double patenting rejection.

Allowable Subject Matter

4. Claims 5 and 8-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (703) 308-0275 (571 272-4809 after 11/20/2004). The examiner can normally be reached on Tuesday-Friday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (703) 308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang
Primary Examiner

